

INE-0001C

REMARKS

The above-amendments and following remarks are responsive to the Examiner's official communication of January 19, 2006. As will be discussed below, the pending claims are patentable by virtue of the fact that the cited prior art fails to teach or suggest at least one important limitation recited by the claims. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Bariant, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). In order to make out or sustain a rejection for obviousness, all of the claim limitations must be taught or suggested in the prior art. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The claims have been amended to further define the invention as specific to the art of capturing specially designed ferrules, which are associated with suture, with specially designed needles. Reference is made to the Specification at page 16, lines 19-29. Such description details how a configuration covered by amended claim 1 permits a ferrule to be "held better onto the tip when captured by the needle."

As noted in the response of March 23, 2003, none of the cited prior art patents (U.S. Patent No. 3,612,050 to Sheridan (hereinafter "Sheridan"); U.S. Patent No. 3,929,123 to Jamshidi (hereinafter "Jamshidi"); U.S. Patent No. 4,667,684 to Leigh (hereinafter "Leigh"; and U.S. Patent No. 5,718,714 to Livneh (hereinafter "Livneh")) teach or suggest such a configuration.

More specifically, Sheridan is directed to a combination trocar and catheter. In an initial state, the catheter is coupled to the trocar (via complementary geometries) to prevent sliding of the catheter as the unit is pushed into vasculature (from the piercing of the vascular wall to the introduction of the catheter tip). Upon introduction of the catheter tip, the trocar is withdrawn through the interior of the catheter. By contrast, the present claims at issue

INE-0001C

(claims 1-5 were rejected as being anticipated by Sheridan) are directed to a combination of a special needle and a special ferrule, the needle and ferrule initially spaced from one another and designed to facilitate capture of the ferrule (which is associated with suture) by the needle. The recited combination of needle and ferrule (there is no ferrule or suture in Sheridan), as well as the recited configuration (initially spaced from each other (as recited by the claims) as contrasted with initially combined (as taught by Sheridan)) are lacking in the Sheridan teachings. Because these elements are not found in Sheridan, reconsideration and allowance of the claims is respectfully requested.

Jamshidi also does not teach the recited combination of needle and ferrule (there is no ferrule or suture in Jamshidi), as well as the recited configuration (initially spaced from each other) (claims 1, 4, 5 and 7 were rejected as being anticipated by Jamshidi). Rather, Jamshidi simply describes a biopsy needle having a cavity 33 for retaining and/or sampling tissue. Because at least these elements are not found in Jamshidi, reconsideration and allowance of the claims is respectfully requested.

Leigh is very similar to Jamshidi in that it teaches a biopsy stylet 3, whith a cavity for retaining and/or sampling tissue. Again, the recited combination of needle and ferrule (there is no ferrule or suture in Leigh), as well as the recited configuration (initially spaced from each other) is nowhere found in Leigh (claims 1, 4, and 5 were rejected as being anticipated by Leigh). Because at least these elements are not found in Leigh, reconsideration and allowance of the claims is respectfully requested.

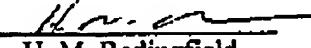
Claim 6 was rejected as being unpatentable over Leigh in view of Livneh. It has already been stated that Leigh fails to teach all of the required limitations of claim 1. Livneh does not teach a needle or a ferrule or suture at all, and does nothing to make up for the deficiencies of Leigh. Accordingly, a prima facie case of obviousness has not been made out. Reconsideration and allowance of the claims is respectfully requested.

INE-0001C

If there are any charges with respect to the presently submitted response or otherwise,
please charge them to deposit account 06-1130, maintained by the Applicant's attorneys.

Respectfully Submitted,

CANTOR COLBURN, LLP
Applicant's Attorneys

By: 
H. M. Bedingfield
Registration No. 44,530

Dated: July 19, 2006
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929